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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,075	02/26/2002	Kojiro Hamabe	Q68676	2315

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EXAMINER	
AMINZAY, SHAIMA Q	
ART UNIT	**PAPER NUMBER**
2684	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,075	HAMABE, KOJIRO	
	Examiner	Art Unit	
	Shaima Q. Aminzay	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *April 5, 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 have been considered but are **moot** in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 10, 19, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 19, and 26 are indefinite because, It is not clear the term "...to be approximately constant". Is the transmission constant or not constant?

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 8-14, 17-23, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozluturk (Ozluturk U. S. Patent 6,181,919) in view of Kato (Kato European Patent EP0,748,075 A2).

Regarding claim 1, Ozluturk discloses a mobile communication system comprising (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 56-67, column 4, lines 6-21, the mobile communication system): a base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, base station (16)); a mobile station having both an individual channel set to said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and individual assigned channel (112)), and a shared channel set to said base station shared with other mobile stations for transmitting data from said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and global channel (114) shared with other mobile channels), and a transmission power control device for controlling a sum of transmission powers from said base station to said mobile stations to be [approximately constant] (see for example,

column 3, lines 1-8, lines 56-67, column 4, lines 6-21, column 5, lines 23-62, the transmission power control devise (108) and summing of power transmission, indicating constant or no-constant), however, Ozluturk does not specifically disclose "approximately constant".

In related art dealing with communication system transmission power control (see for example, abstract, lines 1-17, column 1, lines 40-44), Kato discloses communication system approximate constant transmission power control (see for example, abstract, lines 1-17, column 1, lines 36-44, column 8, lines 1-3, and column 9, lines 1-68, the power controller and transmission power control).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power control, Kato's transmission power control circuit for controlling the multiple communication unit "to provide a communication apparatus or method for controlling so as to keep a transmission electronic power constant irrespective of the number of channels" in a communication system (Kato, column 1, lines 40-44).

Regarding claim 10, Ozluturk discloses a transmission power control method for a base station of a mobile communication system (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 56-67, column 4, lines 6-21, the mobile communication system) including a base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, base station (16)), and a mobile

station having both an individual channel set to said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and individual assigned channel (112)), and a shared channel set to said base station shared with other mobile stations for transmitting data from said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and global channel (114) shared with other mobile channels).

Ozluturk does not specifically disclose "approximately constant", however, Ozluturk discloses said method comprising a transmission power control step for controlling a sum of transmission powers from said base station to said mobile stations to be [approximately constant] (see for example, column 3, lines 1-8, lines 56-67, column 4, lines 6-21, column 5, lines 23-62, the transmission power control devise (108) and summing of power transmission, indicating constant or no-constant).

In related art dealing with communication system transmission power control (see for example, abstract, lines 1-17, column 1, lines 40-44), Kato discloses communication system approximate constant transmission power control (see for example, abstract, lines 1-17, column 1, lines 36-44, column 8, lines 1-3, and column 9, lines 1-68, the power controller and transmission power control).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power control, Kato's transmission power control circuit for controlling the multiple communication unit "to provide a communication apparatus or method for

controlling so as to keep a transmission electronic power constant irrespective of the number of channels" in a communication system (Kato, column 1, lines 40-44).

Regarding claim 19, Ozluturk discloses a base station for setting both an individual channel with a mobile station and a shared channel shared with other mobile stations for transmitting data from the mobile station (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 56-67, column 4, lines 6-21, the mobile communication system).

Ozluturk does not specifically disclose "approximately constant", however, Ozluturk discloses a transmission power control device for controlling a sum of said transmission powers to said mobile stations to be [approximately constant] (see for example, column 3, lines 1-8, lines 56-67, column 4, lines 6-21, column 5, lines 23-62, the transmission power control devise (108) and summing of power transmission, indicating constant or no-constant).

In related art dealing with communication system transmission power control (see for example, abstract, lines 1-17, column 1, lines 40-44), Kato discloses communication system approximate constant transmission power control (see for example, abstract, lines 1-17, column 1, lines 36-44, column 8, lines 1-3, and column 9, lines 1-68, the power controller and transmission power control).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power

control, Kato's transmission power control circuit for controlling the multiple communication unit "to provide a communication apparatus or method for controlling so as to keep a transmission electronic power constant irrespective of the number of channels" in a communication system (Kato, column 1, lines 40-44).

Regarding claim 26, Ozluturk discloses a program for making a computer execute a process for a transmission power control method for a base station of a mobile communication system including a base station (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 37-67, column 4, lines 6-21, the mobile communication system, base station (16), and the processor inherently executing a process for the transmission power control), and a mobile station having both an individual channel set to said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and individual assigned channel (112)), and a shared channel set to said base station shared with other mobile stations for transmitting data from said base station (see for example, Figures 1, 3, and 4, column 3, lines 56-67, mobile station 14, and global channel (114) shared with other mobile channels).

Ozluturk does not specifically disclose "approximately constant", however, Ozluturk discloses a transmission power control step for controlling a sum of transmission powers from said base station to said mobile stations to be [approximately constant] (see for example, column 3, lines 1-8, lines 56-67,

column 4, lines 6-21, column 5, lines 23-62, the transmission power control devise (108) and summing of power transmission, indicating constant or no-constant).

In related art dealing with communication system transmission power control (see for example, abstract, lines 1-17, column 1, lines 40-44), Kato discloses communication system approximate constant transmission power control (see for example, abstract, lines 1-17, column 1, lines 36-44, column 8, lines 1-3, and column 9, lines 1-68, the power controller and transmission power control).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power control, Kato's transmission power control circuit for controlling the multiple communication unit "to provide a communication apparatus or method for controlling so as to keep a transmission electronic power constant irrespective of the number of channels" in a communication system (Kato, column 1, lines 40-44).

Regarding claims 2 and 3, Ozluturk in view of Kato teach all the limitations in claim 1, and further, Kato teaches transmission power control device sets the transmission power for said shared channel to said constant power when there exists no individual channel (see for example, Figures 3, and 7, abstract, lines 1-17, column 1, lines 36-44, column 4, line 58, column 8, lines 1-3, column 9, lines 1-67).

Regarding claims 4 and 5, Ozluturk in view of Kato teach all the limitations in claim 1, and further, Ozluturk teaches transmission power control device respectively increases/decreases the transmission power for said shared channel according to an increased/decreased transmission power because of an increase/decrease of said individual channels (see for example, Figure 3, column 5, lines 5-21), and wherein said transmission power control device respectively increases/decreases the transmission power for said shared channel by an average transmission power of the individual channels for an increase/decrease of one individual channel (see for example, Figure 3, column 5, lines 5-21).

Regarding claim 8, Ozluturk in view of Kato teach all the limitations in claim 1, and further, Ozluturk teaches transmission power control device is provided in said base station (see for example, column 2, lines 22-38, column 3, lines 37 continued to column 4, lines 1-4).

Regarding claim 9, Ozluturk in view of Kato teach all the limitations in claim 1, and further, Ozluturk teaches wherein said base station reports information for said transmission power control to said base station control station and said base station control station notifies setting information on the transmission power for said shared channel based on the reported information (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 37-67, column 4, lines 6-21).

Regarding claims 11 and 12, Ozluturk in view of Kato teach all the limitations in claim 10, and further, Kato teaches wherein said transmission power control step maintains a sum of transmission powers for said shared channel, and for said individual channels at said constant power and wherein said transmission power control step sets the transmission power for said shared channel to said constant power when there exists no individual channel (see for example, Figures 3, and 7, abstract, lines 1-7, column 1, lines 30-54, column 4, lines 36-44, column 8, lines line 58 continued to column 9, lines 1-3).

Regarding claims 13 and 14, Ozluturk in view of Kato teach all the limitations in claim 10, and further, Ozluturk teaches wherein said transmission power control step respectively increases/decreases the transmission power for said shared channel according to an increased/decreased transmission power because of an increase/decrease of said individual channels (see for example, Figure 3, column 5, lines 5-21), and wherein said transmission power control step respectively increases/decreases the transmission power for said shared channel by an average transmission power of the individual channels for an increase/decrease of one individual channel (see for example, Figure 3, column 5, lines 5-21).

Regarding claim 17, Ozluturk in view of Kato teach all the limitations in claim

10, and further, Ozluturk teaches wherein said transmission power control step is conducted in said base station (see for example, Figure 3, column 2, lines 22-38, column 3, lines 37 to 76 continued to column 4, lines 1-4).

Regarding claim 18, Ozluturk in view of Kato teach all the limitations in claim 10, and further, Ozluturk teaches reporting information for said transmission power control to said base station control station in said base station (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 37-67, column 4, lines 6-21, the mobile communication system, base station (16), and the processor and executing a the transmission power control), and notifying setting information on the transmission power for said shared channel based on the reported information in said base station control station and conducting said transmission power control according to this notified information in said base station (see for example, Figures 1-4, column 1, lines 22-35, column 3, lines 37-67, column 4, lines 6-21).

Regarding claims 20 and 21, Ozluturk in view of Kato teach all the limitations in claim 19, and further, Kato teaches wherein said transmission power control device maintains a sum of transmission powers for said shared channel, and for said individual channels at said constant power (see for example, Figures 3, 4, column 1, abstract, lines 1-7, column 1, lines 30-54, column 4, lines 36-44, column 8, line 58 continued to column 9, lines 1-3), and wherein said

transmission power control device sets the transmission power for said shared channel to said constant power when there exists no individual channel (see for example, Figures 3, 4, column 1, abstract, lines 1-7, column 1, lines 30-54, column 4, lines 36-44, column 8, line 58 continued to column 9, lines 1-3).

Regarding claims 22 and 23, Ozluturk in view of Kato teach all the limitations in claim 19, and further, Ozluturk teaches wherein said transmission power control device respectively increases/decreases the transmission power for said shared channel according to an increased/decreased transmission power because of an increase/decrease of said individual channels (see for example, Figure 3, column 5, lines 5-21), and wherein said transmission power control device respectively increases/decreases the transmission power for said shared channel by an average transmission power of the individual channels for an increase/decrease of one individual channel (see for example, Figure 3, column 5, lines 5-21).

Regarding claims 27 and 28, Ozluturk in view of Kato teach all the limitations in claim 26, and further, Kato teaches transmission power control device sets the transmission power for said shared channel to said constant power when there exists no individual channel (see for example, Figures 3, and 7, abstract, lines 1-17, column 1, lines 36-44, column 4, line 58, column 8, lines 1-3, column 9, lines 1-67).

Regarding claims 29 and 30, Ozluturk in view of Kato teach all the limitations in claim 26, and further, Ozluturk teaches wherein said transmission power control step respectively increases/decreases the transmission power for said shared channel according to an increased/decreased transmission power because of an increase/decrease of said individual channels (see for example, Figure 3, column 5, lines 5-21), and wherein said transmission power control step respectively increases/decreases the transmission power for said shared channel by an average transmission power of the individual channels for an increase/decrease of one individual channel (see for example, Figure 3, column 5, lines 5-21).

6. Claims 6-7, 15-16, 24-25, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozluturk (Ozluturk U. S. Patent 6,181,919) in view of Kato (Kato European Patent EP0,748,075 A2), and further in view of Laakso (Laakso et al. U. S. Patent number 6,603,773).

Regarding claims 6-7 and 15-16, Ozluturk in view of Kato teach all the limitations in claims 1 and 10. Ozluturk in view of Kato do not specifically teaches the upper and lower limits, however, Ozluturk in view of Kato teaches adjusting the transmission powers according to a reference value, inherently

upper or lower limits are being considered to decrease or increase transmission power (Ozluturk, see for example, Figure 3, column 5, lines 5-21).

In related art dealing with communication system transmission power control, Laakso teaches power transmission larger than an upper limit decreases the transmission power for the communication channels and power transmission lower than a lower limit increases the transmission power for the communication channels (see for example, column 9, lines 45-62, and column 12, lines 63-67 continued to column 13, lines1-14).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power control with Kato's transmission power control circuit, the Laakso's adjustable reliability margin for controlling the transmission power to provide a constant transmission power control irrespective of the number of channels in a communication system (Kato, column 1, lines 40-44).

Regarding claims 25-25 and 31-32, Ozluturk in view of Kato teach all the limitations in claims 19 and 26. Ozluturk in view of Kato do not specifically teaches the upper and lower limits, however, Ozluturk in view of Kato teaches adjusting the transmission powers according to a reference value, inherently upper or lower limits are being considered to decrease or increase transmission power (Ozluturk, see for example, Figure 3, column 5, lines 5-21).

In related art dealing with communication system transmission power control,

Laakso teaches power transmission larger than an upper limit decreases the transmission power for the communication channels and power transmission lower than a lower limit increases the transmission power for the communication channels (see for example, column 9, lines 45-62, and column 12, lines 63-67 continued to column 13, lines1-14).

It would have been obvious to one skilled in the art at the time of invention to have included into Ozluturk's mobile communication system transmission power control with Kato's transmission power control circuit, the Laakso's adjustable reliability margin for controlling the transmission power to provide a constant transmission power control irrespective of the number of channels in a communication system (Kato, column 1, lines 40-44).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882, the primary examiner, Nick Corsaro can be reached on 571-272-7876. The fax number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shaima Q. Aminzay
(Examiner)

NICK CORSARO
PRIMARY EXAMINER

Nay Maung
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Art Unit 2684

May 11, 2005